Dear Bill, Dick

2/7/78

The enclosed FBI pages are not among the duplicates Lil made so I could answer any questions you might ask. I didn't have a minute's peace during the time I tried to give Jim Lesar an understanding of how I can see us using it in court. I hope it is comprehensible.

I think there is a story in it and I am certain that with proper attention the story now has the capability of breaking through because I am in court on this and because it is the case that led to the amending of the FOIA in 1974. It is the longest of all FOIA cases, filed originally in 1970.

I have made a diligent search for all records relating to this curbstone and the investigation of it over a period of years because I perceived its evidentiary and story possibilities, perhaps alone, years ago. In this quest I believe I obtained every known record. Unless there was still again official dishonesty. But absent that I have all records, from the Archives and from the FBI. With the FBI, after a smashing remand decision by the appeals court, the decision in which it held that I serve the nation's interest in this, we exercised discovery. Under that court order we should have obtained every FBI record. If these were among them I think Jim and I would not both have missed what spot in this long Gemberling report.

You may not understand the part of my letter to Jim on the missing Spectro plate.

Prior to our getting into court in the present case, C.A.75-226, the FBI invited Jim and me to meet with them. Frazier's is the only name you'll know. The three of them assured us that they had all the spectro plates and showed them to us and offered them to me at $50 per plate. This was prohibitive for us.

When we got into the case they suddenly admitted that the plate of the curbstone spectro is missing and they assumed it was thrown away as the files were cleaned out to save space. Not only is this nonsense but among the records I have found in these new releases are directive on the preservation of everything, records not previously known to exist. Ordinarily the FBI save everything. When it destroys it records the destruction, the authorization and the use of the destroyed information in other records not destroyed. I must have more than 30 volumes from a single file in which this is practised. You will see two such notations on the attached cover page of the Gemberling report, both dated, the second after this case was in court.

Jim and I have preserved the testimony of Frazier, Gallagher and Shaneyfelt among the retired SAs on this and of Courtland Cunnungham, still an SA as of last year. I have bought the transcripts and have copies.

I will be having to write a couple more memos for Jim. I'll probably send you carbons for whatever value you may find in them. One will deal with how they used bad information from sources known to be bad to defame me within the government and possibly outside it without there being a record of the DeLoach/Bishop operations making a record that reached centeal files. Another will illustrate how they misuse the FOIA to withhold and yet under the same exemption to defame those they want to get. On the latter, with a little ingenuity, you may be able to come up with "I spied on Marina Oswald for the FBI."

On the expenses: the second time the college student came she brought her sister to help. The receipts are enclosed. They total $25.00. Postage, which includes sending the duplicates to Mary Ferrall, $4.30. Xeroxing, again including the duplicate sets, $13.22. (This does not count Lil's time, of which she ketp no record. She says whatever you decide will suit her.)Total, $42.52.

All but about a dozen of the Sections are refiled. This is because I'm using a system that will tell us what Sectoons have been gone over and by whom. I told you I would do this so that if you have a reporter nearby and he has some time he can go over Sections you and Ken and perhaps others, now including me, have not gone over.When a Section has been gone over I put it in a file folder that identifies it. Those not in folders have not been examined. And I've made the card file I told you I would so I can tell you if you have read any Section in which you might have interest. Best to you all, Harold Weisberg